

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: STEVE YOUNG,)
 KEITH SPANIOL, and)
 ROBERT THORPE.)

OEIG Case #15-02236

OEIG FINAL REPORT (REDACTED)

Below is an amended final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received this report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General, and to Steve Young, Keith Spaniol, and Robert Thorpe at their last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

I. ALLEGATIONS

On November 3, 2015, the Office of Executive Inspector General (OEIG) received a complaint alleging that former Illinois Department of Transportation (IDOT) Section Chief of Aircraft Maintenance Robert Thorpe flew State helicopters, even though his job did not involve flight responsibilities. The complaint also alleged that in September 2015, Mr. Thorpe and his supervisor, Steve Young, traveled in a State airplane during their State work hours, to examine private company Frasca’s helicopter simulator.¹

¹ [Additional allegations redacted.]

II. BACKGROUND

IDOT's Division of Aeronautics (Aeronautics) is responsible for coordinating and implementing programs relating to aeronautical activities in Illinois, and for providing air transportation for State employees, among other activities.² To that end, Aeronautics maintains a fleet of State aircraft for passenger transportation and utility purposes. Until it was destroyed in an accident in 2013, one of IDOT's aircraft was a Bell 206 helicopter; IDOT's aircraft fleet currently consists of one helicopter and seven airplanes. Due to the ongoing State fiscal crisis, the Governor's Office grounded all State airplane passenger service effective July 1, 2015, although the Governor's Office directed that State airplanes would continue to be maintained and made available for emergency services.³

IDOT employs various personnel to maintain and fly its aircraft. Robert Thorpe was IDOT's Section Chief of Aircraft Maintenance from 2004 until he left State employment on November 5, 2015. In addition, Executive Chief Pilot Keith Spaniol supervises IDOT's executive aircraft flight crews. Mr. Thorpe and Mr. Spaniol reported to Steve Young, who was hired as IDOT's Bureau Chief of Air Operations in 2002, and has been the Interim Director of Aeronautics since early 2015.

III. INVESTIGATION

A. Investigation of the Allegation that Mr. Thorpe Misused State Helicopters

In its investigation of the allegation that Mr. Thorpe misused State helicopters, the OEIG obtained and reviewed various documents, including records relating to Mr. Thorpe's IDOT job duties and his employment after he left his IDOT aircraft maintenance position, IDOT helicopter flight records, and documents relating to Mr. Thorpe's pilot certification. Investigators also interviewed the complainant, Mr. Spaniol, Mr. Thorpe, Mr. Young, and former IDOT Deputy Secretary Christine Reed.

1. Mr. Thorpe's Duties as IDOT's Section Chief of Aircraft Maintenance

Mr. Thorpe's job descriptions⁴ for his position of IDOT Section Chief of Aircraft Maintenance stated that his principal accountabilities included directing an effective and safe aircraft maintenance program. Mr. Thorpe's job descriptions stated that it was desirable for the incumbent to have an airplane pilot's license, so that he could use IDOT utility airplanes to procure emergency parts; however, the duties listed in the job descriptions did not include flying IDOT helicopters.

² See <http://www.idot.illinois.gov/about-idot/our-story/governance/organizational-structure/index> (last visited Oct. 28, 2016).

³ The Governor's directive did not specifically address the use of IDOT's non-passenger utility airplanes and helicopters, which IDOT uses to support law enforcement missions and other government activities.

⁴ Although IDOT issued a new job description for the Section Chief of Aircraft Maintenance position in June 2015, the duties relevant to this investigation remained unchanged.

2. Interview of the Complainant

Investigators interviewed the complainant regarding the allegation that Mr. Thorpe misused State helicopters. According to the complainant, Mr. Thorpe had been improperly flying IDOT's Bell 206 helicopter, which crashed in 2013 and was not replaced. The complainant stated that he/she had heard of the following additional information regarding Mr. Thorpe:

- There was an incident in 2007 or 2008 involving one of IDOT's Sikorsky helicopters, when Mr. Thorpe was trying to land it and the tail struck the ground. Mr. Thorpe was with IDOT's chief pilot (Mr. Spaniol), although the complainant said that Mr. Thorpe usually flew with Mr. Young.
- Mr. Thorpe claimed to have over 1,000 hours of helicopter flight time.
- After Mr. Thorpe left State employment in early November 2015, Mr. Thorpe took a job as a helicopter pilot with Jimmy John's, but that Jimmy John's terminated him shortly thereafter for falsifying his amount of flying time.

3. Records from Mr. Thorpe's Employment with Jimmy John's

Investigators confirmed that Mr. Thorpe left his IDOT aircraft maintenance position on November 5, 2015, and took a position as a helicopter pilot for Jimmy John's Franchise, LLC (Jimmy John's). Records subpoenaed from Jimmy John's regarding Mr. Thorpe's employment reflect that shortly after Jimmy John's hired Mr. Thorpe, the company asked him to provide supporting documentation regarding his helicopter flying hours. In response to that request, Mr. Thorpe emailed Jimmy John's a spreadsheet titled "ROBERT THORPE HELICOPTER LOGBOOK" which will be referred to in this report as the Thorpe Logbook.⁵

Jimmy John's provided the OEIG with a copy of the Thorpe Logbook, which contained dated entries of flights from May 2004 through July 2012. A copy of a page from the Thorpe Logbook is attached as Exhibit A. Each date in the logbook corresponds to columns indicating the aircraft make and registration number, the airport codes where the flights originated and ended, pilot-in-command ("PIC")⁶ hours flown, dual instruction ("DUAL") hours flown, and a remarks column that briefly described the purpose of each flight.

The Thorpe Logbook shows pilot-in-command flight time on 310 dates in a helicopter with the registration number assigned to an IDOT Bell 206 helicopter (N721LL), and on 4 additional dates in helicopters with the registration numbers assigned to 2 IDOT Sikorsky helicopters (N751LL and N761LL). In total, the Thorpe Logbook listed about 875 hours of pilot-in-command flight time with the IDOT Bell 206 helicopter, and 20 hours of pilot-in-command flight time with

⁵ In a December 8, 2015 email to Jimmy John's, Mr. Thorpe explained:

[P]lease find attached my electronic flight time that I flew until I started my stand alone helicopter log book. As u [sic] can see I started flying in 2004, and this form goes through july [sic] of 2012 where I started a stand-alone log book. . . I have a paper log book with dates from 2012 until present which has another 350 hours of helicopter flight only.

Jimmy John's' production in response to the OEIG's subpoena did not include any other logbooks.

⁶ Federal Aviation Regulations define pilot-in-command as the person who: (1) has final authority and responsibility for the operation and safety of the flight; (2) has been designated as pilot-in-command before or during the flight; and (3) holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight. 14 C.F.R. 1.1.

the IDOT Sikorsky helicopters; the dual instruction column listed most of the same hours as the pilot-in-command column.

The Jimmy John's records reflect that Mr. Thorpe resigned from his helicopter pilot position on December 9, 2015, shortly after Jimmy John's personnel questioned his helicopter flying hours.

4. Interviews of Federal Aviation Authority Personnel

In order to understand how pilots record pilot-in-command and dual instruction time in their logbooks, investigators interviewed Federal Aviation Authority supervisors [FAA Employee 1] and [FAA Employee 2]. [FAA Employee 1] and [FAA Employee 2] said that in order to log pilot-in-command time in a pilot's logbook, the pilot would have to be the sole manipulator of the aircraft's controls. [FAA Employee 1] explained that time logged in the dual column reflects flight instruction time with a certified flight instructor. [FAA Employee 2] said that the flight instructor is the pilot-in-command during instruction time, unless the student is flying a solo flight.

5. IDOT's Helicopter Flight Records

IDOT requested and reviewed IDOT helicopter flight records for May through July 2012 to compare with the Thorpe Logbook. IDOT maintains various kinds of records relating to flights of IDOT aircraft including:

"Crew Flight Schedule" (referred to as IDOT Flight Schedule)

This is a form that lists the flights made in the IDOT aircraft each day, and identifies the pilot-in-command and second-in-command of the flights. A copy of the July 2012 IDOT Flight Schedule is attached to this report as Exhibit B. The IDOT Bell 206 helicopter is identified on the IDOT Flight Schedules by the code RM72.

"Flight Log, Manifest and Flight Plan" form (referred to as IDOT Flight Log)

At the end of each IDOT flight, the pilot-in-command completes this Flight Log, which lists the date, aircraft registration number, and the airport codes where each leg of the flight originated and ended, and has check boxes for the purpose of the flight, such as "Surveillance," and "MAINT." The IDOT Flight Log also has a column titled "PILOT(S)," and a space to check whether a listed pilot is the pilot-in-command ("PIC"). A copy of the July 11, 2012 IDOT Flight Log for the Bell 206 helicopter is attached to this report as Exhibit C.

Investigators compared the entries for the flights listed for the final three months on the Thorpe Logbook (21 dates from May through July 2012) with the IDOT Flight Schedules covering those dates. The IDOT Flight Schedules indicate that the State Bell 206 helicopter was flown on each of the dates listed on the Thorpe Logbook between May and July 2012. The IDOT Flight Schedules identify either Mr. Young or Mr. Spaniol as the pilot-in-command of the flights, and do not identify Mr. Thorpe as either the pilot-in-command or second-in-command of any of the flights.

Although investigators also asked IDOT to produce the Flight Logs for the same 21 dates listed in the Thorpe Logbook for May through July 2012, IDOT was only able to locate the Flight Logs for the six dates in July 2012.⁷ Investigators compared the entries in the Thorpe Logbook with the IDOT Flight Logs for the six dates provided. The purposes of the Bell 206 flights listed in IDOT's Flight Logs for those six dates were consistent with the descriptions listed in the remarks column on the Thorpe Logbook. IDOT's Flight Logs for five of the six dates listed Mr. Thorpe in the pilot column, with the notation "OBS" or "MECH"; for the sixth date, the IDOT Flight Log did not list Mr. Thorpe at all. The IDOT Flight Logs for all 6 of the dates reviewed identified either Mr. Young or Mr. Spaniol as the pilot-in-command. These six dates are set forth in the chart below.

Pilots Identified For Flights of IDOT Bell Helicopter in July 2012

Date (2012)	Thorpe Log	IDOT Flight Schedule	IDOT Flight Log - Pilot(s) Column
July 2	Thorpe	Young	Young
July 4	Thorpe	Young	Young Thorpe (OBS)
July 5	Thorpe	Young	Young Thorpe (OBS)
July 6	Thorpe	Young	Young Thorpe (OBS)
July 7	Thorpe	Young	Young Thorpe (OBS)
July 11	Thorpe	Spaniol	Spaniol Thorpe (MECH)

6. Interview of Mr. Spaniol Regarding Mr. Thorpe's Use of State Helicopters

On July 12, 2016, investigators interviewed Keith Spaniol, who has been IDOT's Executive Chief Pilot since 2005. In that position, Mr. Spaniol is responsible for supervising some of IDOT's pilots, among other duties.⁸ He said he is certified to fly various types of airplanes and helicopters, and holds an instructor's rating for both types of aircraft.

Investigators showed Mr. Spaniol an entry from the Thorpe Logbook, which indicated that Mr. Thorpe was the pilot-in-command of a flight in an IDOT Bell helicopter on July 11, 2012, and described the flight as: "TEST FLIGHT, HOVER AUTOS, AUTO ROTATIONS." Although Mr. Spaniol said he could not recall that specific flight, he said the Thorpe Logbook entry was incorrect because he (Mr. Spaniol) never allowed Mr. Thorpe to perform the listed types of maneuvers, which Mr. Spaniol said were emergency maneuvers.

Mr. Spaniol admitted that he did allow Mr. Thorpe to take the controls of an IDOT Sikorsky helicopter on a different occasion in approximately 2007, and that while Mr. Thorpe had his hands on the controls, the helicopter's tail touched the ground, which scratched the paint. Mr. Spaniol

⁷ These dates include: July 2, 4, 5, 6, 7, and 11, 2012.

⁸ Mr. Spaniol was not Mr. Thorpe's supervisor.

stated that he also allowed Mr. Thorpe to take the controls of an IDOT Bell helicopter for a matter of minutes during a lengthy flight in approximately 2010 or 2011, while Mr. Spaniol stretched his legs.

Mr. Spaniol said that in the past, it was an accepted practice at IDOT's Bureau of Air Operations to allow individuals to fly aircraft for which they were not certified, and that it was seen as "neat" for someone who had not flown the aircraft before to be allowed to handle the controls. Mr. Spaniol said that although he was certified as a flight instructor, State policy prohibited him from letting Mr. Thorpe fly IDOT's aircraft, because it prohibits anyone who is not qualified to operate an aircraft from being in control of the aircraft. Mr. Spaniol said it was wrong of him to allow Mr. Thorpe to take the helicopters' controls on the occasions discussed above.

7. Interview of Mr. Thorpe Regarding His Use of IDOT Helicopters

Investigators interviewed Mr. Thorpe on September 28, 2016, and in a follow-up telephone call on October 20, 2016. Mr. Thorpe said that he obtained his initial helicopter pilot's certification in 2013,⁹ and that he did not attend "factory" helicopter flight training. Mr. Thorpe denied that he ever operated any IDOT helicopter as pilot-in-command, or as the sole manipulator of the controls. Mr. Thorpe acknowledged that he created and submitted a spreadsheet to Jimmy John's that listed flights on the IDOT Bell 206 helicopter, and admitted that the spreadsheet falsely indicated that he had been the pilot-in-command of the IDOT helicopter.¹⁰ Mr. Thorpe explained that he submitted the false information to Jimmy John's because he wanted to get a job with the company.

Mr. Thorpe said he recalled an incident when he was flying in a State Sikorsky helicopter with Mr. Spaniol, and the tail of the helicopter touched the ground during the landing. Mr. Thorpe stated that Mr. Spaniol was the pilot-in-command of the flight, but that he (Mr. Thorpe) had his hands on the controls when the tail touched the ground. Mr. Thorpe did not recall the date this incident occurred, but said it was before he obtained his helicopter pilot's certificate. Mr. Thorpe said that that incident was the only time he had his hands on the controls of a State Sikorsky helicopter.

Mr. Thorpe stated that he could not recall whether he ever had his hands on the controls while he was flying in a State helicopter with Mr. Young as the pilot. Mr. Thorpe said he recalled flying in the IDOT Bell 206 helicopter with Mr. Young on September 7, 2013, when the helicopter crashed. However, Mr. Thorpe denied flying the helicopter that day, and denied having his hands on the controls at the time of the accident.

⁹ FAA records confirm that Mr. Thorpe received a helicopter pilot's certificate on April 27, 2013, after the 314 dates the Thorpe Logbook indicated he was the pilot-in-command of State helicopters.

¹⁰ Although Mr. Thorpe admitted that he submitted a spreadsheet to Jimmy John's that listed false helicopter flight hours, when investigators showed Mr. Thorpe the Thorpe Logbook, Mr. Thorpe asked OEIG investigators how they obtained it and denied that it was his "pilot logbook." Mr. Thorpe said he would not attest to the truthfulness of the information in the Thorpe Logbook because he did not know if it had been altered, or if the OEIG had created the document itself.

8. Interview of Mr. Young Regarding Mr. Thorpe's Use of State Helicopters

Investigators interviewed Mr. Young on September 29, 2016. Mr. Young stated that he became the Bureau Chief of Air Operations in 2002, and has been the Interim Director of the Division of Aeronautics since early 2015. Mr. Young said that he is certified to fly various types of airplanes and helicopters, but that he has not been certified as a flight instructor since the late 1990s.

Mr. Young said that Mr. Thorpe reported to him from about 2004 until Mr. Thorpe left State employment. Mr. Young acknowledged that IDOT employed Mr. Thorpe as the Section Chief of Aircraft Maintenance, not as a pilot, and that Mr. Thorpe's primary duty was to oversee the maintenance of IDOT aircraft. Mr. Young further acknowledged that Mr. Thorpe's job description did not include flying IDOT helicopters. According to Mr. Young, Mr. Thorpe's role when flying in the State helicopters was to act as the tactical flight officer, and operate the radio and the equipment other than the flight controls.

Mr. Young said that he was not aware of any occasions when Mr. Thorpe flew a State helicopter as either pilot-in-command, or as the sole manipulator of the controls. When shown a copy of the Thorpe Logbook that the OEIG obtained from Jimmy John's, Mr. Young stated that the entries claiming that Mr. Thorpe was the pilot-in-command of flights in IDOT helicopters were not accurate. Mr. Young also stated that the entries claiming that Mr. Thorpe received dual instruction in IDOT helicopters were not accurate, because Mr. Young is not certified as an instructor and did not give him instruction.

However, Mr. Young said that on multiple occasions he allowed Mr. Thorpe to handle the controls of IDOT helicopters while he (Mr. Young) was also on the controls. Mr. Young said that under those circumstances, he (Mr. Young) was operating the aircraft, rather than Mr. Thorpe. Mr. Young said he did not recall when Mr. Thorpe received his helicopter pilot's certification, but that he may have allowed Mr. Thorpe to handle the helicopters' controls before Mr. Thorpe obtained his helicopter certification. Mr. Young explained that it did not matter to him whether Mr. Thorpe had his helicopter pilot's certification when he handled the helicopters' controls because Mr. Thorpe was not actually operating the aircraft when Mr. Young was on the controls at the same time.

Mr. Young said he recalled being told of an incident in which the tail of an IDOT helicopter touched the ground, resulting in a scratch to the aircraft. Mr. Young said Mr. Spaniol and Mr. Thorpe both may have been on the controls of the helicopter during its approach. Mr. Young said he did not discipline either Mr. Spaniol or Mr. Thorpe for the incident, and that he did not tell Mr. Spaniol to stop letting Mr. Thorpe take the controls of IDOT helicopters.

Mr. Young said that he was flying the IDOT Bell 206 helicopter when it crashed in September 2013, and explained that the crash occurred when he attempted to avoid birds. Mr. Young said Mr. Thorpe was with him in the helicopter, and was handling the radiological detection equipment at the time of the crash. Mr. Young said he did not recall whether the dual controls (a second set of controls) were installed in the helicopter at the time of the crash.

Mr. Young stated that former Aeronautics Director Susan Shea was aware that he was allowing Mr. Thorpe to handle the IDOT helicopters' controls, and according to Mr. Young, Ms. Shea thought it was a good idea for Mr. Thorpe to know how to fly the helicopters.¹¹ Mr. Young said it is not unusual to permit a non-pilot to handle the controls of a helicopter, which allows the non-pilot to get the sensation of flying the aircraft while the pilot-in-command is in control. According to Mr. Young, he was authorized to allow non-pilots to handle the controls because he was the pilot-in-command of the aircraft, and not by any IDOT policy. Mr. Young further stated that it was a common practice for the tactical flight officer to have knowledge of helicopter flight, in case the pilot-in-command became incapacitated during a flight. However, Mr. Young acknowledged that there had never been an incident when the pilot became incapacitated and Mr. Thorpe had to assume control of an IDOT helicopter.

9. Interview of Former IDOT Deputy Secretary Christine Reed

On January 19, 2017, investigators interviewed Christine Reed, who was the Deputy Secretary of IDOT from January to November 2015. In that position, Ms. Reed oversaw the day-to-day operations of IDOT, and had functional supervision over Mr. Young. Ms. Reed said she was familiar with the licensing requirements in IDOT's Vehicle Operator's Manual and Personnel Policies Manual,¹² and that correct licensing is "very serious" because the State of Illinois is self-insured.

Ms. Reed said she was unaware of any practice of Aeronautics helicopter pilots allowing unlicensed employees to have their hands on the controls of State helicopters while the helicopters were being flown by a pilot. Ms. Reed said such conduct would be "completely inappropriate," and that she would not have condoned it. Ms. Reed said that if she had been made aware of such a practice, she would have immediately started disciplinary proceedings.

B. Investigation of the Allegation that IDOT Staff Flew a State Airplane to Visit a Simulator Company during State Work Hours

The complaint also alleged that in September 2015, Mr. Thorpe and Mr. Young flew a State airplane during their State work hours, to examine private company Frasca's helicopter simulator. OEIG investigators identified Frasca International as a flight simulator manufacturer located in Urbana, Illinois, approximately 91 miles from the IDOT office in Springfield where Mr. Thorpe and Mr. Young worked.

1. Interviews of Frasca Personnel

On January 26, 2016, OEIG investigators interviewed various personnel at Frasca, including [Frasca Employee 1], [Frasca Employee 2], and [Frasca Employee 3].

¹¹ Ms. Shea left IDOT employment in 2015.

¹² As discussed below, those policies require any IDOT employee who operates a State vehicle, including a State aircraft, to have a valid operator's license for it. IDOT Vehicle Operator's Manual §§ 1-3(a) & 2-1(d) (Nov. 1, 2002); § 1-1 (May 20, 2013 & Mar. 24, 2015); IDOT Personnel Policies Manual § 14-3(B) (Aug. 24, 2011; Nov. 5, 2012; June 3, 2014).

[Frasca Employee 1] told investigators that Frasca manufactures flight simulators for helicopters and airplanes, and sells component parts for their simulators. [Frasca Employee 1] said that Frasca does not offer any type of flight training on its simulators, and does not have any contracts with the State of Illinois. [Frasca Employee 1] stated that in September 2015, Frasca invited pilots to participate in testing of new simulator technology for Frasca's Bell 206 helicopter simulator.

[Frasca Employee 2] told investigators that he met Mr. Thorpe in August 2015, when he (Mr. Thorpe) rented a helicopter from the flight training business [Frasca Employee 2] operates in addition to his Frasca employment. [Frasca Employee 2] said that when he learned that Frasca was looking for pilots to test new technology for its Bell 206 helicopter simulator, he invited Mr. Thorpe to participate in the testing. [Frasca Employee 2] said that Mr. Thorpe agreed to participate, and recommended fellow IDOT employee Steve Young as another pilot who may be interested in participating. [Frasca Employee 2] stated that Mr. Thorpe participated in the testing at Frasca on three dates: September 2, 11, and 25, 2015. According to [Frasca Employee 2], on September 25, 2015, Mr. Young accompanied Mr. Thorpe, and also participated in the testing.

[Frasca Employee 3] said that he conducted the testing of new technology on the Frasca Bell 206 helicopter simulator in September 2015. [Frasca Employee 3] said he observed Mr. Thorpe and IDOT Executive Chief Pilot Keith Spaniol participate in the testing on September 11, 2015. [Frasca Employee 3] said he saw Mr. Thorpe test the Frasca Bell 206 helicopter simulator on one other date in September as well, and recalled that on September 25, 2015, Mr. Thorpe was accompanied by another man, whom Mr. Thorpe said was his boss.

2. Review of Frasca and IDOT Documents

Investigators obtained and reviewed records from Frasca and IDOT relating to IDOT personnel's visits to Frasca in September 2015.

a. September 2, 2015

Frasca's visitor logs indicate that on September 2, 2015, Mr. Thorpe visited the Frasca facility from 10:30 a.m. to 3:30 p.m. However, IDOT flight records do not indicate that Mr. Thorpe flew a State aircraft to Urbana on September 2, 2015, and Mr. Thorpe's IDOT time records indicate that he used vacation time on that date.

b. September 11, 2015

IDOT flight records indicate that on September 11, 2015, Mr. Thorpe and Mr. Spaniol flew an IDOT airplane from Springfield to Frasca Field Airport in Urbana, arriving at 1:32 p.m.; they returned to Springfield in the airplane at 4:47 p.m. Frasca's visitor logs indicate that on September 11, 2015, Mr. Thorpe and Mr. Spaniol visited the Frasca facility from 2:00 p.m. to 4:00 p.m. Mr. Thorpe and Mr. Spaniol's IDOT time sheets indicate that they were working during that time, and Mr. Young signed their time sheets as supervisor.

c. September 25, 2015

IDOT flight records indicate that on September 25, 2015, Mr. Thorpe and Mr. Young flew an IDOT airplane from Springfield to Frasca Field Airport in Urbana, arriving at 12:42 p.m.; they returned to Springfield in the airplane at 4:30 p.m. Frasca's visitor logs indicate that on September 25, 2015, Mr. Thorpe and Mr. Young visited the Frasca facility from 1:00 p.m. to 2:30 p.m. Mr. Thorpe's IDOT time sheet indicates that he was working during the time he and Mr. Young visited Frasca on September 25, 2015, and Mr. Young signed the time sheet as his supervisor. Mr. Young's time sheet indicates that he started work at 7:00 a.m. that day, but the time out is illegible;¹³ the "Utilizing Benefit Time/Comments" column includes the notation "Frasca." IDOT advised the OEIG that it had no leave requests for Mr. Young for September 25, 2015.

3. Interview of Mr. Spaniol Regarding Frasca

During his OEIG interview, Mr. Spaniol told investigators that he and Mr. Thorpe used a State airplane to fly to Frasca on September 11, 2015, during his (Mr. Spaniol's) State work hours.¹⁴ Mr. Spaniol stated that the purpose of the visit was to test a helicopter simulator for Frasca, which he admitted was "not directly State business." Mr. Spaniol said Frasca did not pay him for that work. According to Mr. Spaniol, Mr. Young approved his (Mr. Spaniol's) participation in the Frasca testing.

4. Interview of Mr. Thorpe Regarding Frasca

Mr. Thorpe told investigators that he visited Frasca three times in September 2015, to test a new simulator Frasca was developing for one of its customers. Mr. Thorpe said that on his first visit to Frasca he "demo'd" the simulator, and that on his second visit, he went to Frasca to introduce Mr. Spaniol to the Frasca personnel. Mr. Thorpe said that on his third visit, he went to Frasca with Mr. Young. Mr. Thorpe recalled that he did not use a State aircraft or car to go to Frasca on his first visit because he was on vacation that day, but admitted that he was on State time and used a State airplane for his other two visits to Frasca. Mr. Thorpe said Frasca did not pay him for his visits.

Mr. Thorpe acknowledged that IDOT was not in the market to buy a simulator, and that Frasca does not provide the type of training that IDOT personnel would need. Mr. Thorpe maintained that his visits to Frasca nevertheless were State business because he was promoting aviation in Illinois.

5. Interview of Mr. Young Regarding Frasca

Mr. Young told investigators that he visited Frasca on one occasion in September 2015 with Mr. Thorpe, to test a helicopter simulator. Mr. Young said that he and Mr. Thorpe used an

¹³ In his interview, Mr. Young clarified that the time out read "16:30" in military time format, or 4:30 p.m.

¹⁴ Mr. Spaniol said that during the flight to Frasca, Mr. Thorpe piloted the IDOT utility airplane. Mr. Thorpe has had a commercial airplane pilot's certification since 2010.

IDOT airplane to visit Frasca, because the trip was for State business.¹⁵ Mr. Young said Frasca did not pay him for his visit.

Mr. Young said he was aware that Mr. Thorpe and Mr. Spaniol participated in simulator testing at Frasca on another date as well, and said he granted Mr. Thorpe permission to do so. He said he did not recall if Mr. Spaniol also asked his permission to participate, but noted that if Mr. Spaniol had made such a request Mr. Young would have told him to go. Mr. Young said that he assumed Mr. Thorpe and Mr. Spaniol's participation in the Frasca testing would be done during their State work hours, and said that he was "ok" with them using a State aircraft for the trip. Mr. Young acknowledged that he approved Mr. Thorpe and Mr. Spaniol's time sheets covering the dates they visited Frasca.

Mr. Young said he believed his, Mr. Thorpe's, and Mr. Spaniol's uses of State aircraft and State time to visit Frasca were appropriate. Mr. Young said that part of IDOT's mission is to support Illinois industry, and therefore he believed that participating in testing for a local company was work related. When asked how the visits benefitted the State, Mr. Young said it was important to remain up-to-date on developments in aviation, and said IDOT may use the kind of equipment Frasca has in the future. Mr. Young noted that when he was hired at IDOT, he used a Frasca simulator for a pilot proficiency check, and said that if IDOT ever hires pilots in the future it may similarly want to vet pilots that way. Mr. Young acknowledged that Frasca was developing the simulator for a private customer, that IDOT was not in the market to buy a simulator, and that Frasca does not provide training. Mr. Young said that he did not prepare any kind of report or evaluation for IDOT following his visit to Frasca.

6. Interview of Ms. Reed Regarding Frasca

Ms. Reed told investigators that during her tenure as IDOT Deputy Secretary in 2015, IDOT was not in the market to purchase a helicopter or a flight simulator. She noted that the Governor had grounded the State airplanes, and that Mr. Young was aware of the restrictions on State aircraft because his Aeronautics budget was frozen and his pilots had nothing to do.

Ms. Reed said that neither Mr. Young, Mr. Spaniol, nor Mr. Thorpe had requested her approval to test new flight simulator technology at Frasca, and that she would not have condoned IDOT employees using State time to participate in the testing of a private company's new technology developed for a private, non-State customer, where the technology provided no direct benefit to the State. Ms. Reed said that participating in such testing was not part of Mr. Young, Mr. Spaniol, or Mr. Thorpe's IDOT job responsibilities. Ms. Reed further said that the use of a State aircraft to travel to that company for that purpose would not be an authorized use of State aircraft.

Ms. Reed said that Mr. Young, Mr. Spaniol, and Mr. Thorpe's participation in testing at Frasca would not constitute promoting State business, or promoting aeronautics in Illinois. She said that it is critical for State employees to remain completely impartial, and that they should not be involved in promoting a particular private company. When asked whether Mr. Young, Mr. Spaniol, and Mr. Thorpe's participation in testing at Frasca would be conducting non-State

¹⁵ Mr. Young said he did not recall whether he or Mr. Thorpe piloted the airplane on their trip to Frasca.

business on State time, and using State resources for non-State business, Ms. Reed said: “That’s certainly what it sounds like.”

III. ANALYSIS

The OEIG’s investigation revealed that there is a general practice of allowing unlicensed pilots to handle the controls of State aircraft in IDOT’s Division of Aeronautics, under Mr. Young’s management. In addition, Mr. Thorpe, Mr. Spaniol, and Mr. Young misused a State airplane and State time, and Mr. Young approved Mr. Thorpe and Mr. Spaniol’s misuse of a State airplane and State time.

A. The IDOT Aeronautics Division Allowed Unlicensed Pilots to Handle the Controls of State Helicopters

IDOT’s Vehicle Operator’s Manual and Personnel Policies Manual require any employee who operates a State vehicle, including a State aircraft, to have a valid operator’s license for it.¹⁶ The Personnel Policies Manual further provides that “[a]n employee’s supervisor(s) shall not knowingly permit an employee to operate departmental vehicles . . . without a valid license or operator’s permit,”¹⁷ and states that supervisors shall delegate authority and responsibility to employees to a degree “in keeping with the parameters of the job, the risks involved, and abilities of the subordinate.”¹⁸

In addition, IDOT’s aircraft insurance policy in effect between July 1, 2013 and July 1, 2014 stated that the insurer “will not provide insurance . . . or provide defense . . . [i]f the Aircraft is in Flight and is being flown by a pilot who is not qualified under the endorsements to this policy or if the pilot is not properly certificated, rated and qualified under the current [Federal Aviation Administration] Regulations which apply to the operation of the Aircraft . . .” IDOT renewed its aircraft insurance policy for the period July 1, 2014 through June 30, 2015, under the same terms and conditions in effect under the original contract.

Although Mr. Thorpe claimed on the spreadsheet he submitted to Jimmy John’s that he was the pilot-in-command of State helicopters on numerous occasions, he stated in his OEIG interview that those entries were false.¹⁹ In addition, although IDOT Flight Logs for multiple flights of the IDOT Bell 206 helicopter listed Mr. Thorpe as a pilot, none of the IDOT records investigators reviewed listed Mr. Thorpe as the pilot-in-command of a flight on a State helicopter, and Mr. Young stated that he was unaware of any instances when Mr. Thorpe acted as pilot-in-command or was the sole manipulator of the controls of a State helicopter. Therefore, the evidence obtained in this investigation was not sufficient to conclude that Mr. Thorpe acted as pilot-in-

¹⁶ IDOT Vehicle Operator’s Manual §§ 1-3(a) & 2-1(d) (Nov. 1, 2002); § 1-1 (May 20, 2013 & Mar. 24, 2015); IDOT Personnel Policies Manual § 14-3(B) (Aug. 24, 2011; Nov. 5, 2012; June 3, 2014).

¹⁷ IDOT Personnel Policies Manual § 14-2(D) (Aug. 24, 2011; Nov. 5, 2012; June 3, 2014). The Personnel Policies Manual includes aircraft in the definition of “vehicle.” See IDOT Personnel Policies Manual § 14-3(B) (Aug. 24, 2011; Nov. 5, 2012; June 3, 2014).

¹⁸ IDOT Personnel Policies Manual §1-5(A) (Aug. 24, 2011; Nov. 5, 2012; June 3, 2014).

¹⁹ The OEIG is referring this information to the Federal Aviation Administration for whatever action it deems appropriate.

command or was the sole manipulator of the controls of a State helicopter, and that allegation is **UNFOUNDED**.

However, the investigation did reveal that on multiple occasions, Mr. Young permitted a subordinate, Mr. Thorpe, to handle the controls of IDOT helicopters, even though Mr. Thorpe was not certified as a helicopter pilot, his job duties did not include flying State helicopters, and he was not “factory” trained to fly them. Indeed, even after an incident when Mr. Thorpe caused minor damage to an IDOT helicopter while at its controls with Mr. Spaniol, Mr. Young did not discipline either Mr. Thorpe or Mr. Spaniol, and did not even direct Mr. Spaniol to stop allowing Mr. Thorpe to take the controls. Both Mr. Spaniol and Mr. Young acknowledged that it was a regular practice, and not unusual, to allow non-pilots to handle aircraft controls. In her OEIG interview, former IDOT Deputy Secretary Christine Reed characterized this practice as “completely inappropriate,” and as conduct for which she would have instituted disciplinary proceedings had she been aware of it. Moreover, it is clear that there is significant risk and no benefit to the State in permitting an unlicensed, untrained individual to handle the controls of expensive and potentially dangerous State aircraft.

IDOT’s licensing policies, as written, do not explicitly define operating a vehicle as including handling the controls of State aircraft with a licensed pilot also on the controls. However, even if Mr. Young’s actions did not amount to allowing Mr. Thorpe to “operate” IDOT helicopters, Mr. Young violated IDOT policy by delegating responsibility to Mr. Thorpe to a degree not in keeping with the parameters of Mr. Thorpe’s job as Section Chief of Aircraft Maintenance, the risks involved in allowing an unlicensed individual to handle the controls, and Mr. Thorpe’s abilities. Accordingly, the allegation that Mr. Young violated IDOT policy by allowing Mr. Thorpe to handle the controls of IDOT helicopters is **FOUNDED**.²⁰

B. Mr. Young, Mr. Spaniol, and Mr. Thorpe Misused State Airplanes and Abused State Time

IDOT’s Vehicle Operator’s Manual provides that “State vehicles are authorized for use only in the performance of essential travel duties related to the completion of official state business,” and adds that “[w]hen in doubt, the decision must be based on whether the vehicle’s use will serve the best interest of the state.”²¹ In addition, IDOT’s Personnel Policies Manual provides that “[a]ll employees are expected to be at their work stations and ready to work at the appointed starting time until the appointed quitting time.”²²

It is undisputed that Mr. Spaniol and Mr. Thorpe used a State airplane to fly to Frasca during their State work hours on September 11, 2015, and that Mr. Young and Mr. Thorpe used a State airplane to fly to Frasca during their State work hours on September 25, 2015. In addition, Mr. Young admitted that he was aware that Mr. Thorpe and Mr. Spaniol visited Frasca during their

²⁰ The OEIG concludes that an allegation is “founded” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

²¹ IDOT Vehicle Operator’s Manual, § 1-1(A) (Mar. 24, 2015). The manual includes aircraft in its definition of “vehicle.” *Id.* § 1-1.

²² IDOT Personnel Policies Manual § 7-2(A) (June 3, 2014).

State work hours, and said he signed their time sheets approving that use of State time. Mr. Young also said he was “ok” with them using a State airplane for the trip.

It is also undisputed that the purpose of Mr. Spaniol, Mr. Thorpe, and Mr. Young’s visits to Frasca was to test new simulator technology that Frasca was developing for a private, non-State customer. Finally, it is undisputed that IDOT was not in the market to buy a simulator at the time of the visits, or that Frasca does not offer training that would be beneficial to IDOT employees.

Although Mr. Spaniol admitted that his activities at Frasca were not State business, Mr. Thorpe and Mr. Young claimed that their visits to Frasca were on State business, either because they promoted aviation and supported Illinois industry, or were for the purpose of keeping up with developments in simulator technology for possible future uses to vet IDOT pilot applicants. Mr. Thorpe and Mr. Young’s arguments are not credible. As former IDOT Deputy Secretary Christine Reed confirmed, IDOT had no plans to buy a simulator; Mr. Thorpe, Mr. Spaniol, and Mr. Young’s job duties did not include testing technology for a private company; and the Frasca testing did not constitute promoting State business, or promoting aeronautics in Illinois. Ms. Reed said that Mr. Young, Mr. Spaniol, and Mr. Thorpe did not seek her approval to participate in the Frasca testing, and that she would not have condoned such activity. Moreover, although Mr. Young claimed that IDOT could use Frasca simulators to vet new pilots in the future, not only was IDOT not hiring new pilots but is actively engaged in efforts to lay off the pilots it has. In short, using State resources to assist a private company in developing a product for a private customer did not serve the best interest of the State and its taxpayers, particularly in this time of fiscal crisis.

Accordingly, the allegation that Mr. Spaniol, Mr. Young, and Mr. Thorpe used State aircraft for non-State business in violation of the IDOT Vehicle Operator’s Manual is **FOUNDED**. The allegation that Mr. Spaniol, Mr. Thorpe, and Mr. Young abused time by conducting non-State business during their State work hours is also **FOUNDED**. Finally, the allegation that Mr. Young mismanaged the IDOT Aeronautics Division by knowingly permitting Mr. Thorpe and Mr. Spaniol to use a State airplane for a non-State purpose, and to conduct non-State business during their State work hours, is also **FOUNDED**.

IV. FINDINGS/RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

- **UNFOUNDED** – IDOT Section Chief of Aircraft Maintenance Robert Thorpe did not act as pilot-in-command or the sole manipulator of the controls of a State helicopter.
- **FOUNDED** – IDOT Interim Aeronautics Division Director Steve Young mismanaged the IDOT Aeronautics Division and violated IDOT’s Personnel Policies Manual when he permitted Mr. Thorpe to handle the controls of IDOT helicopters, in violation of IDOT’s Personnel Policies Manual.

- **FOUNDED** – IDOT Executive Chief Pilot Keith Spaniol used a State airplane on September 11, 2015 for a non-State business purpose, in violation of IDOT's Vehicle Operator's Manual.
- **FOUNDED** – IDOT Section Chief of Aircraft Maintenance Robert Thorpe used a State airplane on September 11 and 25, 2015 for a non-State business purpose, in violation of IDOT's Vehicle Operator's Manual.
- **FOUNDED** – IDOT Interim Aeronautics Division Director Steve Young used a State airplane on September 25, 2015 for a non-State business purpose, in violation of IDOT's Vehicle Operator's Manual.
- **FOUNDED** – IDOT Executive Chief Pilot Keith Spaniol abused State time by conducting non-State business during his State work hours on September 11, 2015, in violation of IDOT's Personnel Policies Manual.
- **FOUNDED** – IDOT Section Chief of Aircraft Maintenance Robert Thorpe abused State time by conducting non-State business during his State work hours on September 11 and 25, 2015, in violation of IDOT's Personnel Policies Manual.
- **FOUNDED** – IDOT Interim Aeronautics Division Director Steve Young abused State time by conducting non-State business during his State work hours on September 25, 2015, in violation of IDOT's Personnel Policies Manual.
- **FOUNDED** – IDOT Interim Aeronautics Division Director Steve Young mismanaged the IDOT Aeronautics Division by knowingly permitting Robert Thorpe and Keith Spaniol to use a State airplane for a non-State purpose, and to conduct non-State business during their State work hours on September 11, 2015.
- **FOUNDED** – IDOT Interim Aeronautics Division Director Steve Young mismanaged the IDOT Aeronautics Division by knowingly permitting Robert Thorpe to use a State airplane for a non-State purpose, and to conduct non-State business during his State work hours on September 25, 2015.

The OEIG recommends that Mr. Young and Mr. Spaniol be disciplined up to and including termination, and that IDOT not rehire Mr. Thorpe in the future. In addition, the OEIG recommends that IDOT take steps to ensure that individuals who are not properly licensed to operate an aircraft do not handle the controls of State aircraft, whether or not as the sole manipulator of the controls. The OEIG also recommends that IDOT clarify its personnel and vehicle use policies to explicitly prohibit any individual from handling the controls of State aircraft, whether or not as the sole manipulator of the controls, without being properly licensed.

The OEIG will also refer the information obtained regarding Mr. Thorpe's false representations to Jimmy John's of his helicopter pilot hours to the Federal Aviation Administration for whatever action it deems appropriate.

No further investigative action is needed and this case is considered closed.

Date: January 26, 2017

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington Street, Ste. 3400
Chicago, IL 60602

By: **Angela Luning**
Deputy Inspector General

Francis Foley
Supervising Investigator #156



Illinois Department of Transportation

Office of Finance and Administration / Bureau of Investigations and Compliance
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

April 7, 2017

Ms. Margaret A. Hickey
Illinois Executive Inspector General
Office of Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 15-02236

Dear Ms. Hickey:

This letter is a follow-up to IDOT's initial response dated February 17, 2017, regarding OEIG Final Report #15-02236.

The two unresolved issues outlined in IDOT's February 17, 2017 response were the disciplinary proceedings initiated against Steve Young and Keith Spaniol which have now been resolved.

Mr. Young was discharged on March 17, 2017, and Mr. Spaniol resigned on March 31, 2017.

Thank you for your assistance concerning this matter. If you have any questions, or if I can be of assistance to you or your staff, please do not hesitate to contact me at 217-558-

Respectfully,

A handwritten signature in black ink, appearing to read 'Bruce Harmening', with a long horizontal line extending to the right.

Bruce Harmening
Bureau Chief



Illinois Department of Transportation

Office of Finance and Administration / Bureau of Investigations and Compliance
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

February 17, 2017

Ms. Margaret A. Hickey
Illinois Executive Inspector General
Office of Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 15-02236

Dear Ms. Hickey:

This letter is in response to OEIG Final Report #15-02236 which contains founded allegations against current and/or former IDOT employees Steve Young, Keith Spaniol and Robert Thorpe. The OEIG concluded that Mr. Young, Mr. Thorpe and Mr. Spaniol used State aircraft for non-State purposes and conducted non-State business during their State work hours. The OEIG also concluded that Mr. Young mismanaged the Aeronautics Division and violated IDOT policies by permitting Mr. Thorpe and Mr. Spaniol to engage in the same conduct, and by permitting Mr. Thorpe to handle the controls of IDOT helicopters.

The OEIG recommended that Mr. Young and Mr. Spaniol be disciplined up to and including termination and that IDOT not rehire Mr. Thorpe in the future. In addition, the OEIG recommended that IDOT take steps to ensure that individuals who are not properly licensed do not handle the controls of State aircraft, whether or not they are the sole manipulators of the controls. The OEIG also recommended that IDOT clarify its personnel and vehicle use policies to explicitly prohibit individuals who are not properly licensed from handling the controls of State aircraft, whether or not they are the sole manipulators of the controls.

In addition, the OEIG referred an allegation to IDOT that retired IDOT pilot, [redacted], was repeatedly hired for 60-day periods under different titles. In the event IDOT would consider hiring or awarding contracts to [redacted] in the future, the OEIG recommended that IDOT take whatever action it deems necessary.

IDOT accepts and agrees with the OEIG's recommendations. The following is a list of all actions IDOT has taken to date to address the recommendations outlined in the report.

On February 14, 2017, IDOT's Bureau of Personnel Management placed Robert Thorpe on a "Do Not Rehire List," indicating that Mr. Thorpe, who resigned from IDOT on November 5, 2015, shall not be rehired by IDOT in the future. This action is a direct result of the evidence, findings, and recommendations contained in the OEIG Final Report.

On February 17, 2017, IDOT initiated disciplinary proceedings against Steve Young for violations of IDOT policies relative to the findings and recommendations contained in the OEIG Final Report. Due to the fact that the disciplinary process could take some time for resolution, IDOT will provide the OEIG with updates as the disciplinary process progresses.

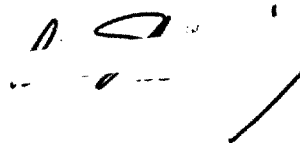
On February 17, 2017, IDOT initiated disciplinary proceedings against Keith Spaniol for violations of IDOT policies relative to the findings and recommendations contained in the OEIG Final Report. Due to the fact that the disciplinary process could take some time for resolution, IDOT will provide the OEIG with updates as the disciplinary process progresses.

IDOT reviewed its personnel and vehicle use policies regarding the prohibition of individuals who are not properly licensed from handling the controls of State aircraft, whether or not they are acting as the sole manipulator of the controls. IDOT determined its policies sufficiently prohibit this conduct. However, IDOT will provide training to appropriate personnel regarding this issue and expect strict adherence to its policy.

IDOT has also reviewed the matter regarding retired IDOT pilot,
To the extent that IDOT is considering hiring or awarding contracts to in the future, IDOT will follow all relevant hiring and contractual procedures and policies.

Thank you for your assistance concerning this matter. If you have any questions, or if I can be of assistance to you or your staff, please do not hesitate to contact me at 217-558-

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce Harmening", with a long diagonal stroke extending from the bottom right.

Bruce Harmening
Bureau Chief

RECEIVED
MAY 30 2017

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

EXECUTIVE ETHICS COMMISSION

IN RE: KEITH SPANIOL

)

#15-02236

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked, the Commission will not make your response public if the redacted report is made public.

X Below is my public response. Please make this response public if the summary report is also made public; or

_____ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

[Signature]
Respondent's Signature

5-29-17
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

PLEASE SEE LETTER AND REDACTAL WHICH IS
INCLUDED.

Keith Spaniol

Statement of Rebuttal to Charges Administered on February 17, 2017

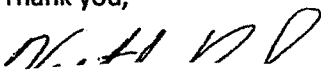
Charge: Failure to follow Procedures- I understand that this charge comes from letting Robert Thorpe take control of the aircraft for a short rest period. The condition was that I was returning late and pressing up against my duty time limit. Mr. Thorpe and I had been manning the helicopter on a road in support of ISP to provide over watch and containment, if needed. I had only removed myself from the helicopter for a short time for fueling between the hours of 3:00 PM and approximately 9:00 PM that night. I was told by my supervisor to have the helicopter back to base within my 16 hour duty day so I made the decision to allow Mr. Thorpe to maintain level flight while I gave myself some room to stretch in the cockpit rather than fly to an airport to take a break and possibly extend beyond my 16 hour duty day. I remained as Pilot in Command even though Mr. Thorpe was covering the flight controls which has been a common practice at the Division and is a common practice in the industry. Because of what happened with the Sikorsky flight I did not let Mr. Thorpe operate the aircraft on a continual basis. I would like to note that Mr. Thorpe felt like he was not treated fairly with respect to being authorized to fly and receive training because it has always been a common past practice throughout the Division. He had firsthand knowledge of the employees who were allowed to use state aircraft for certificate training, and he also knew of a person who was allowed to fly the Bell helicopter. In this charge against me it was a simple matter of keeping the aircraft stable for a moment while I repositioned my body to get some leg room.

Charge: Misuse of State Time- I understand this charge comes from the fact that I flew the Frasca simulator while on duty time for the state. Responding to the leading questions from the investigator I felt steered toward incriminating myself for something that I did not wholly agree with. Since I have not made it a habit of being interviewed in this manner I was not real comfortable. As indicated by my statement "not directly State business", I was trying to answer as truthfully as I could without agreeing to the way that framed the question. I felt honored that this company asked for our professional feedback and because of my co-worker and supervisor agreeing to help in the same way I gave the decision no reservation because I did not see this event as unethical, illegal or immoral. To this day I believe that I took part in making aviation safer because this product is better as a result of my feedback and will train pilots well into the future. I would have thought the State of Illinois could have taken credit for our work to support industry in our state. Secondly, I had no knowledge of customer interest for this product. My thought was simply that I would represent the state and aviation in a professional manner. I have extensive experience in operating simulators because of my professional background so I am very familiar with simulator operations. If IDOT disagrees with my opinion I will stand corrected and not perform in this manner in the future. In no way did I enjoy any personal gain from this event.

Charge: Misuse of state equipment- This charge is connected to the above stated charge. I assumed that I was on state business while representing the state in a professional aviation event therefore I had no reservation about using a state aircraft to accommodate the transportation to and from Frasca field. The airplanes are used all of the time to serve Aeronautic's travel purposes and operations as other agencies use pool cars.

Resolution: I am asking that you consider the added information that I have elaborated upon for each charge. My hope is that you will find on both days that I came to work for the State of Illinois with no intent to hurt the state but to only bring credit to Air Operations and the State of Illinois by serving and supporting both Law Enforcement and the aviation industry in our State. If after you consider my rebuttal and feel that I have made a poor decision I am willing to give back the hours I used while traveling to/from and the time spent at the Frasca Corporation.

Thank you,



Keith R. Spaniol

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: STEVE YOUNG

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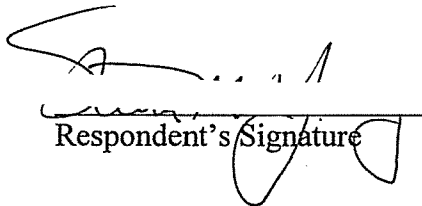
#15-02236

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked, the Commission will not make your response public if the redacted report is made public.

see attached 4 page rebuttal
X Below is my public response. Please make this response public if the summary report is also made public; or

X Below are my suggestions for redaction. I do ~~not~~ wish for these suggestions to be made public.


Respondent's Signature

5/25/2017
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

- attached 4 page rebuttal -
- attached - 2 page letter addressed to MR. FORNOFF

Steven M. Young

Rebuttal to Statement of Charges dated February 17, 2017

There are two main issues which are presented by these charges. The first issue relates to the use of state time and state aircraft to visit and participate at the Frasca facility in the Champaign-Urbana area. Frasca is a world class company, and a main part of its business in Frasca is the design and production of flight simulators. A long time practice of the Division of Aeronautics is to visit and support Illinois companies involved in the aviation industry. With these visits, we are able to maintain relationships with these companies, and at the same time, our personnel are exposed to the latest technology in the industry. The charges, in particular the statements of Chris Reed, focus on the fact that the Division was not in the market for a simulator at the time of these trips. However, the Division in its roles as regulator, and in its role assisting with medical, law enforcement and other emergency personnel across the state as well as training and evaluating its own personnel, also tries to stay abreast of all recent technology and engineering developments so that we may be of much assistance as possible. I note in my comments below that I accompanied my future supervisor on a similar trip at the time I returned to IDOT in 2002. I have been on similar trips with other supervisors, and including previous Secretaries of IDOT, since that time. If it is the determination that IDOT personnel should not be involved in such practices, I will of course abide by that determination going forward, but would ask that any discipline imposed take into consideration the longstanding past practices of the Department and Division.

The second issue relates to Division employees 'touching the controls' of aircraft while in flight. Again, it is long-standing Division practice to allow employees to touch the controls, but only with a Pilot in Command in control of the aircraft at all times. The charging materials provided to me seem to take note of the difference between the IDOT manuals and FAA regulations, which provide for a Pilot in Command to 'operate' the aircraft at all times. Again, if it is determined that going forward no one except the Pilot in Command or other duly certified personnel should touch the controls of IDOT aircraft at any time, I will certainly abide by that policy determination, but again would ask that these charges against me be reviewed with the longstanding practices of the Division in mind.

With that in mind, I address the charges.

Charges

You are hereby being charged with the following infractions, which may result in discipline up to and including discharge:

**Failure to Follow Procedures
Misuse of State Time
Misuse of State Equipment
Poor Supervision**

On or about, January 26, 2017, IDOT received a report detailing findings of an investigation conducted by the Office of the Executive Inspector General (OEIG) (Case No. 15-02236). During the course of this investigation you admitted to the OEIG investigators that you used a

state airplane to fly to Frasca on September 25, 2015 during State work hours to test a helicopter simulator.

You admitted on more than one occasion you allowed Mr. Thorpe to have his hands on the controls of the State's helicopters.

You knowingly permitted Robert Thorpe to use a State airplane for non-State purposes, and to conduct non-State business during his State work hours on September 11, 2015 and September 25, 2015.

You knowingly permitted Keith Spaniol to use a State airplane for a non-State purpose and to conduct non-State business during his State work hours on September 11, 2015.

Rebuttal

Frasca Trip

At no time before, during or after my trip to Frasca or Mr. Thorpe's or Mr. Spaniol's trip did I intend or consider the trip to be personal business, non-state business or derive in any personal gain to any employees involved. No personal benefit or compensation was received. The only benefit was to the State and its mission to support its operations, support and encourage aviation safety, provide a professional modal resource, support public safety and keep informed of new innovative technology which may have a positive impact of all items listed.

Background,

Aeronautics has utilized a variety of simulator technology over the thirty eight years of my knowledge to support its operations. As might be imagined, numerous advancements have been made over the years to increase effectiveness, safety and economy of training and operations.

We have utilized numerous vendors over the years including American Airlines Training Corp, Flight Safety International, Glass Simulators.

When I was interviewing for the Bureau Chief of Air Operations position I traveled to Frasca and took a check ride in a Frasca simulator which was overseen by Division personnel.

Aeronautics serves as the professional aviation resource to the Illinois Department of Public Health in their certification and JCAR work for Illinois Air Medical operators and hospital heliports. It also has and continues to be the professional aviation resource for the State.

A critical safety issue for Illinois and the country is the safety of Air Medical transport. Numerous FAA initiatives regarding certification and training have been instigated. I had recently heard about advancements in digital, non-motion based helicopter flight simulators (much less expensive and cost effective than the more traditional motion based simulators utilized by companies such as Flight Safety International). I have also seen in the trades that a helicopter air medical company that operates in Illinois (Air Evac) was either purchasing or

investigating purchasing a digital, non-motion based simulator to supplement their training and enhance safety.

When given the opportunity for Aeronautics staff to become more knowledgeable with this type of simulator and evaluate its capabilities to replicate actual flight situations and be an effective training tool and safety device I considered it to be an appropriate opportunity. Frasca was interested in feedback by pilots of different experience. I personally have extensive experience with helicopter operations from normal passenger transportation, hospital heliport operations, emergency response and law enforcement tactical operations and have and do utilize that experience to the benefit of the State.

Illinois is fortunate to have a world class simulator company in Illinois, supporting aviation operations and contributing to the safety, efficiency and economic development. It is my understanding that all these things are also concerns of the Department and State mission.

I believe that having this experience, gaining additional knowledge and contributing to aviation safety was a benefit to the State. This new technology might also offer a more efficient, cost effective training resource for Division personnel. No personal gain was considered, expected or received. I believe the Frasca trip was done in the best interests of the State, Department and Division.

If, after your review, you consider this trip to be not state business or in the interest of the state I would of course offer to return (refund) the hours not deemed appropriate to the state

Mr. Thorpe to have his hand on the controls of the State's helicopters

This issue essentially revolves around the Departments *Personnel Policy Manual*,

Chapter 14-2, Section D. - An employee's supervisor(s) shall not knowingly permit an employee to operate departmental vehicles or equipment or private vehicles or equipment at the department's expense, without a valid license or operators permit. Permitting an employee to do so shall be cause for discipline of the supervisor(s) up to and including discharge.

Chapter 14-3 Section B. - Employees whose positions require that they possess a valid operator's license, or who operate state vehicles, private vehicles at state expense, state vessels, and/or mobile equipment must have a valid driver's or operator's license or special permit in the correct classification for the type of equipment operated. A "vehicle" is defined in the department's Vehicle Operator's Manual as "any form of motorized transportation, including but not limited to cars, trucks, motorcycles, boats, and aircraft."

The stated issue in these proceeding are Mr. Thorpe having his hand on the controls of the State helicopters but it is much further reaching, effecting the Department's and Division's interpretation of these Personnel Policy Manual references and those similar historic references. This type of operation, where a fully qualified pilot (operator) is in the aircraft actively acting as pilot in command and another individual "touches or manipulates" the controls has been occurring in numerous instances with multiple employees over the thirty eight years of my

knowledge of Aeronautics operations. This was actively occurring upon my return to the Department in 2002. It was an accepted and approved operation.

How could this issue have been improperly interpreted by the Department, all the Directors and employees for that many years and only now been brought to light or review? I believe the answer is the intent of the rule. No one would want or allow a Department vehicle to be "operated" by an unqualified person. Our previous Director, Dr. Susan Shea was my supervisor from 2004 to 2015, fully was aware of multiple operations similar to this and did not indicate any issues. I believe she was also aware and knowledgeable with the FAA regulations and of course saw no issue with a conflict with Departmental orders. At no time did the operation operate in conflict with any FAA regulation or impact the insurance coverage on the aircraft operation. With that in mind I had no reason to suspect they would be interpreted otherwise.

All the operations over all the years had a fully qualified Pilot in Command (PIC) in the aircraft. There was never an instance when an uncertified person solely operated the vehicle (only one in the vehicle). The FAA says the PIC of an aircraft is the person on board the aircraft who is ultimately responsible for its operation and safety during flight. The PIC must be legally certificated (or otherwise authorized) to operate the aircraft for the specific flight and flight conditions, but need not be actually manipulating the controls at any given moment. The PIC is the person legally in charge of the aircraft and its flight safety and operation, and would normally be the primary person liable for an infraction of any flight rule.

I believe that the Department's Aeronautics staff over the years, being knowledgeable of the FAA definitions and operations have always seen this as appropriate and in keeping with the Departments Orders and safety. To my knowledge this issue has not come up before even with numerous other instances over the years (I am able to give numerous examples over the years). I believe that with this investigation and opinion (although not fully developed) that a review and clarification of the Departmental Order would be appropriate and Aeronautics would absolutely abide by that clarification.

With the above explanation I respectfully submit that I did not violate the Departmental Order and those charges should be removed.

I have served the Department and the State for over nineteen years. I believe my service to be exemplary and always keeping in the best interests of the State and public. For many years supported emergency management with searches, emergency response, flood support ect. We supported number law enforcement agencies from local, state, FBI and US Secret Service. I have brought innovation to the Department with new technologies and developed a very proactive relationship with the aviation community to increase support, efficiency, safety and economic development. There are currently numerous critical projects ongoing and I respectfully request the opportunity to return to work and continue our advances.